REMARKS

This current Reply is responsive to a current and non-final Office Action dated (mailed) 06/16/2005. This current Office Action examined claims 10, 11, 13-15, and 29-35.

Generally, the current Office Action rejected claims 10, 11, 13-15, and 29-35.

Specifically, the current Office Action instituted the following rejections:

Claims 10-11, 13-15, and 29-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-11, 13-15, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1).

Claims 29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1), and further in view of Mikkonen (U S. Patent No 6,885,633 B1).

No claims are canceled, but claims 36 and 37 are added by this Reply. Thus, claims 10, 11, 13-15, and 29-37 are now presented for examination. Of claims 10, 11, 13-15, and 29-37, claims 10, 30, 36, and 37 are independent.

SUBSTANCE OF AN APPLICANT-INITIATED EXAMINER INTERVIEW

A telephonic interview between Examiner Truc Chuong and the undersigned Keith Saunders was held on 10/19/2005 at 2 pm ET.

Independent claim 10 was discussed in particular. Applicant's representative expressed that "window 2300" of Nolan fails to correspond to **work queue** as recited in claim 10. Applicant's representative also expressed that it would not have been obvious as the time of the invention for one of ordinary skill in the art to have modified the consumer-oriented technology of Nolan with the professional-oriented technology of Kekic et al. or Mikkonen.

Examiner Chuong suggested further defining **work queue** in the claims and/or adding elements directed to the capabilities enabled by moving a **task representation** to a **computer representation** (claim 10) or a **user representation** (claim 30).

Applicant's arguments are further refined and set forth below in this "Remarks" section. Moreover, new claims 36 and 37 include elements, *inter alia*, that recite how a user is empowered when representations are moved to a work queue.

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REMARKS REGARDING 35 U.S.C. 112, SECOND PARAGRAPH, REJECTION

The current Office Action reads on page 2 at paragraph #2, "The term "distinct from a parent/child organization of nodes" is unclear because the term "a parent/child" can be considered as either "parent", "child", or both."

It is respectfully submitted that this language is clear, especially given that the Office Action explains its meaning with the simple use of the disjunctive "or".

Nevertheless, to expedite the prosecution of the current Patent Application and to accelerate its ultimate issuance as a U.S. Patent, the noted language has been removed from independent claims 10 and 30.

Withdrawal of this rejection is therefore respectfully requested.

REMARKS REGARDING 35 U.S.C. 103(a) REJECTIONS

OF CLAIMS 10, 11, 13-15, AND 29-35

I.   The asserted collection of items (i.e., those shown in "window 2300") in Nolan can not correspond to the recited **work queue** of claims 10 and 30.

The current Office Action reads in the rejection of claim 10 on page 4 at the second full paragraph:

> displaying at least one computer work queue (window 2300 is a work
> queue to show the storage of tasks which can be executed by selecting/clicking
> on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23);

The "window 2300" of Nolan is a collection of icons representing items that can be accessed/activated by the user. The icons in "window 2300" of Nolan do not necessarily represent work with respect to any given entity. Moreover, the icons in "window 2300" of Nolan do not represent any type of queue.

Consequently, the asserted collection of items present in the "window 2300" of Nolan certainly cannot correspond to the recited **work queue** of claims 10 and 30.

Accordingly, withdrawal of all of the 35 U.S.C. 103(a) rejections against claims 10, 11, 13-15, and 29-35 is respectfully requested because the current Office Action does not present a factually sufficient prima facie case with respect to at least the recited **work queue**.

II.   Nolan and Kekic et al. could not have been combined to render obvious the invention claimed in claims 10 and 30.

The current Office Action reads in the rejection of claim 10 on page 4 at the third full paragraph:

> in response to a user of the plurality moving the task representation, adding the represented task to the work queue of the represented computer (each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23); however, Nolan does not clearly teach displaying at least one representation of a computer that is to be used to work on the project. Kekic clearly teaches a monitoring system is capable of monitoring the performance, software, hardware, and performing tasks of other computers throughout the Network (c.g., col. 24 lines 35-55, and fig. 6B). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Network Monitoring features of Kekic in the Organization System of Nolan to increase the flexibility of the user, who controls the system, by helping he/she to be able to act quickly if there is an error or other related problems happening with one of the computers on the Network.

Even assuming, *arguendo*, that Nolan and Kekic et al. could have been combined for some purpose, they could not have been combined so as to render the claimed invention obvious.

Nolan is directed to a consumer-oriented interface and content-access system for on-line networks. Kekic et al. is directed to a professional-oriented interface and network management tool. It is respectfully submitted that there was insufficient motivation to combine them to render the claimed invention obvious.

Additionally, and more specifically, there was insufficient motivation (if any) in the documents and in the art generally to motivate one of ordinary skill in the art to have provided a consumer of an on-line service with the ability to

monitor corporate network nodes of an on-line service network. Consequently, it is respectfully submitted that there was insufficient motivation to combine Nolan and Kekic et al. in the manner as asserted in the current Office Action (and as reproduced above) to formulate the 35 U.S.C. 103(a) rejections.

Accordingly, withdrawal of all of the 35 U.S.C. 103(a) rejections against claims 10, 11, 13-15, and 29-35 is respectfully requested because the current Office Action does not present a factually or legally sufficient prima facie case at least with respect to combining Nolan and Kekic et al.

III.   Mikkonen could not have been combined with Nolan and Kekic et al. to render obvious the invention claimed in claims 29 and 35.

The current Office Action reads in the rejection of claims 29 and 35 on page 6 at the second full paragraph:

> As to claims 29 and 35, the modified system of Nolan in view of Kekic still does not teach the method wherein at least one of the node represent a set of software tests. Mikkonen clearly teaches a node can be used to perform software test and report the results to the other node (col 3 lines 56-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Software Test Node of Mikkonen in the modified system of Nolan to ease the user when using the system with an available test tool node to make sure the current software on the computer are working normally.

Even assuming, *arguendo*, that Nolan, Kekic et al., and Mikkonen could have been combined for some purpose, they could not have been combined so as to render the claimed invention obvious.

The network nodes of Mikkonen are relatively simple (e.g., routing and switching nodes that are to be duplicated for fault tolerance). See, e.g., Figure 1 and Column 2, Lines 14-43 of Mikkonen. These relatively simple nodes are not known to or noticeable by the average user of an on-line network service. Consequently, it is respectfully submitted that there was insufficient motivation at the time of the invention to have combined Nolan, which is directed to a consumer-oriented interface and content-access system for on-line networks, and Mikkonen in the manner asserted in the current Office Action to formulate the 35 U.S.C. 103(a) rejections of claims 29 and 35.

Accordingly, withdrawal of the 35 U.S.C. 103(a) rejections against claims 29 and 35 is respectfully requested because the current Office Action does not

1 | present a factually or legally sufficient prima facie case at least with respect to

2 | combining Nolan/Kekic et al. and Mikkonen.

IV.   No prima facie case for rejection has been established against
independent claims 10 and 30 inasmuch as the two stated rejections are mutually
exclusive, rendering the current Office Action internally inconsistent.

The current Office Action reads in the rejections of claims 30-34 on page 5
at the last paragraph:

> As to claims 30-34, they are the equivalent claims of method claims 10-1
> 1, 13, and 14-15 respectively and are rejected under a similar rationale.

This appears to be the entirety of the rejection instituted against
independent claim 30.

It therefore appears that the current Office Action is rejecting independent
claim 30 based on the rejection of dependent claim 13. The current Office Action
reads in the rejection of claim 13 on page 5 in the second and third full paragraphs:

> displaying at least one representation of a user of the plurality of users
> (note the rejection of claim 10 with the motivation and reason to combine Nolan
> and Kekic), wherein the represented user has a work queue (window 2300 is a
> work queue to show the storage of tasks which can be executed by
> selecting/clicking on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23); and,
>
> in response to a transfer of the task representation to the user
> representation, adding the represented task to the work queue of the represented
> user (each of the links can become a shortcut and move/add to the window/queue
> 2300 as shown in fig. 23).

With reference to the rejection of independent claim 1 (which is reproduced
above), the current Office Action is asserting that the "window 2300" of Nolan
corresponds to a **work queue** of *both* **a represented computer** (claim 10) and a
represented user (claim 30).

As explained above, it is respectfully submitted that the "window 2300" of
Nolan can not correspond to any type of **work queue**. Moreover, it is respectfully

submitted that "window 2300" of Nolan certainly can not correspond to *both* a **work queue of a represented computer** (claim 10) *and* a **work queue of a represented user** (claim 30), if the Office is properly applying the meanings behind the terms instead of merely relying on a possible surface similarity between the two GUIs.

It is therefore respectfully submitted that the current Office Action attempts to institute two mutually exclusive rejections and is also therefore internally inconsistent. Accordingly, withdrawal of all of the 35 U.S.C. 103(a) rejections against claims 10, 11, 13-15, and 29-35 is respectfully requested because the current Office Action fails to present a factually consistent prima case against independent claims 10 and 30.

REMARKS REGARDING NEW INDEPENDENT CLAIMS 36 AND 37

.   Independent claims 36 and 37 have been added. They more particularly recite elements directed, for example, to a testing project and a testing task as well as to an empowering interrelationship between two or more users.

In short, no art of record, either alone or in any combination, anticipates or renders obvious at least the following element(s) in conjunction with the other elements of their respective claims:

Claim 36: **presenting a graphical hierarchy having a plurality of nodes, the graphical hierarchy based, at least in part, on an organization of the plurality of nodes; each node representing one or more sub-projects into which the testing project is divided . . . in response to a first user of the plurality of users moving the testing task representation to the computer representation, adding the represented testing task to the work queue of the represented computer; wherein a second user is empowered to implement the represented testing task with respect to the represented computer based on the represented testing task being in the work queue of the represented computer.**

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Claim 37: presenting a graphical hierarchy having a plurality of nodes, the graphical hierarchy based, at least in part, on an organization; each node representing one or more sub-projects into which the testing project is divided . . . in response to a transfer of the testing task representation to the user representation by another user, adding the represented testing task to the work queue of the represented user; wherein the represented user is empowered to access the represented testing task from the work queue of the represented user responsive to the represented testing task being added by the second user to the work queue of the represented user.

REMARKS REGARDING THE DEPENDENT CLAIMS

Reasons for the allowability of independent claims 10 and 30 have been provided above. Claims 11/13-15/29 and 31-35 depend directly or indirectly from these independent claims 10 and 30, respectively. Although each also includes additional element(s) militating toward allowability, these dependent claims are allowable at least for the reasons given above in connection with their respective independent claims.

CONCLUSION

It is respectfully submitted that all pending claims 10, 11, 13-15, and 29-37 are allowable. It is therefore respectfully requested that the Office pass the instant Patent Application to issue with all due haste.

Respectfully Submitted,

Date: 12/16/2005   By: _Keith W. Saunders_

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